

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

December 10, 2020

Facilitator's Summary Notes

ACTION	WHO	BY WHEN
Provide Core Team with EPA site report.	Ann Farris	January meeting
Schedule next Core Team meeting.	DS Consulting	Mid-January 2021

Participants: Arjorie Arberry (Beyond Toxics (BT)); Lisa Arkin (BT); Ali and Jeremy AAsum (Bethel Community); Jenny Boyd (ABC); Killian Condon (DEQ); Dylan Darling (DEQ); Ed Farren (ABC); David Farrer (OHA); Ann Farris (DEQ); Brandon Folse (Bethel Community); Courtney Fultineer (OHA); Marc Furney (City of Eugene); Merlyn Hough (LRAPA); Max Hueftle (LRAPA); Travis Knudsen (LRAPA); Mike Kucinski (DEQ); Emily Pyle (ABC); Diana Rohlman (OSU); Jon Wilson (City of Eugene); and Lin Woodrich (ABC).

Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting

Welcome and Introductions - DS Consulting Facilitator, Donna Silverberg, welcomed the group and stated that the purpose of this initial session is to build understanding and relationships between impacted community members who are willing to work with agencies to improve the air, soil, and water conditions at and near JH Baxter facility in West Eugene. Donna shared “virtual discussion protocols” as a guide for this and ongoing conversations.

Group members introduced themselves, their affiliation, and their role in the Core Team. Participants included West Eugene community members, and representatives from the Active Bethel Citizens (ABC), Beyond Toxics (BT), City of Eugene, Department of Environmental Quality (DEQ), Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU). In summary, group members are engaging in these conversations to: learn more about the potential human health and environmental risks posed from the JH Baxter plant; identify next steps and action needed to address contamination; support meaningful community and agency collaboration; and, to work together to make sure the broader community is informed of any potential risks.

Background and Importance of Collective Effort – Mike Kucinski, manager of DEQ’s Western Regional Cleanup Program and Ann Farris, DEQ’s Cleanup project manager for the JH Baxter site, welcomed and thanked the group for their participation. They said this is a priority project at DEQ and they are committed to working with the community, other agencies, and JH Baxter to ensure that the facility is in compliance. They explained that the catalyst for convening the Core Team comes from their concern regarding soil sample results received in September 2020. These samples, combined with information from DEQ’s Hazardous Waste and Water Quality programs, and LRAPA’s air quality monitoring highlighted the need to bring the agencies and community together to get a more comprehensive understanding of the situation and plan for actions. Ann stressed that the soil samples taken along the roadway adjacent to JH Baxter do not indicate a current public health risk; however, the agencies agree that they need more information to clarify the source and extent of possible contamination. She noted that this effort would take time and DEQ hopes to work with the community as part of a longer-term coordinated effort to get these and other questions answered.

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As part of the discussion, DEQ and others shared the following information:

- JH Baxter has done extensive ground water monitoring and installed a groundwater clean-up system in 1993. The system has been successful in treating groundwater.
 - A community member noted that as part of emergency preparedness efforts, schools in the Bethel School District would be storing groundwater. Ann said that there is a lot of data on groundwater in the area and that DEQ can provide more information later, if there is interest.

There was a US Environmental Protection Agency site investigation report issued in 2012, which found a number of violations. DEQ can share this report with the group.

- Results reviewed by DEQ Cleanup in September included samples from eight areas (decision units) around Baxter.
 - DEQ clarified (via summary edits) that the samples were collected May 5-7th of 2020. DEQ received the report in September. This is not entirely uncommon for ISM samples to take longer for analysis, but Covid delayed results and the report to a certain extent.
 - Each sample was a mixture of 30 smaller soil samples within the decision unit that were mixed together into one sample for testing. This methodology is designed to give a soil concentration that better represents the average concentration a with which a person could come into contact.
 - The one sample result from the residential area to the north of the facility did exceed what DEQ considers the most conservative residential screening levels, which are based on 30 years of exposure and actual ingestion of the soil.
 - Oregon Health Authority's review of these data indicate the result does NOT pose a current health risk because the concentration does not exceed public health risk levels. In addition, the sample came from road edges where people are less likely to ingest soil.
 - Exceedance of the very conservative DEQ residential screening level in only one sample from the roadways means that the situation requires additional investigation and understanding, but does not mean that individuals living in the area have unacceptable risk levels. DEQ needs more information to understand the risks to the residents and that is their next step.
 - DEQ does not yet know if this is old or new contamination, nor if the dioxin found in the sample is coming from the JH Baxter facility. Historical samples taken from the Roosevelt Ditch had lower levels of dioxin compared to the samples from September 2020. This is a contributing factor as to why DEQ needs to sample more sites: they need more data points to understand the situation better and to assess any potential risks.
- JH Baxter were "called in" to the new Cleaner Air Oregon (CAO) program in October 2019, which is administered by LRAPA. CAO has regulations and rules that address the health risk of outputs from industrial facilities. JH Baxter is currently in the process of reporting their outputs.
- The next steps will be to assess risks posed and then the agencies will determine what action is needed.

Community members were interested in what they can do in the short term to improve the quality of life in West Eugene. They noted that they often have to close windows to avoid the smells from JH Baxter, especially at night, and at times the air outside tastes odd. They wondered if there are avenues to address these concerns without having to prove that JH Baxter is putting toxics into the environment:

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Max Hueftle, LRAPA, explained that there are nuisance odor regulations and that in 2003 LRAPA started working with JH Baxter under a Best Work Practices Agreement (BWPA) to address some of the issues related to odors. As a result, they installed infrastructure and made changes to operations and work practices. David Farrer, OHA, noted that sometimes, but not always, odors are associated with toxics from air emissions, and thus the CAO program might be able to address them.

Additionally, both LRAPA and DEQ have complaint lines that community members may call if they smell or see something that seems off. Agency representatives encouraged community members to, at least, take note of the time and conditions when they see/smell something and are not able to call the complaint line immediately. Providing as much detail as possible is helpful for the agencies as they try to connect the complaint to a source and then to an action.

- LRAPA odor and air complaint line: 541-726-1930, or online at: <http://lrapa.org/FormCenter/Online-Complaint-3/Online-Complaint-Form-43>
- DEQ soil and water pollution complaints can be filed online at: <https://www.oregon.gov/deq/GetInvolved/Pages/File-Pollution-Complaint.aspx>

Arjorie Arberry, BT, noted that there are other facilities around West Eugene that also might be impacting the community. She wondered what the local community could do to support the agencies in their efforts to find the sources of smells and contaminants. Ann said there are a variety of ways community members can help the agencies by informing the agencies and informing the process. One key piece will be to help sort out what is going on at JH Baxter and the surrounding neighborhoods. Ann clarified that, for the purpose of the Core Team, the focus is on JH Baxter because the agencies are concerned about potential risks raised by the recent samples. Still if there are other facilities that the community is concerned about, they can raise those concerns for the agencies to handle elsewhere. This process, and the Core Team itself, needs to stay focused on JH Baxter issues. Mike added that community members really are the eyes on the ground and, as such, can help the agencies understand what the experience is in West Eugene.

Review Purpose Statement - The group reviewed the following draft purpose statement and all present indicated support:

The purpose of the Core Team is to bring a core group of community, agency, and local government representatives together to discuss information on environmental pollution regarding the JH Baxter facility in the Bethel Neighborhood of West Eugene. The Core Team will share environmental and public health information and discuss the impact of the data on the community. The objective is to develop a cohesive plan for trust-building community engagement, while working together to improve the quality of life by reducing pollution in the air, water, and soil in West Eugene now and into the future. If appropriate, this group will help draft recommendations that protect public health and improve environmental quality to agency decision makers.

Proposed Timeline and Next Steps - Donna reviewed the proposed process timeline, which suggests that Core Team meetings in January-March will be focused on identifying questions and gathering information. The goal is for the Community Engagement Core Team to provide ideas and insights that will inform a spring 2021 community forum. The goal at the forum is to provide answers and information to the broader community. After that, the group will assess what it has achieved and decide how and when to continue community engagement. Donna also noted that the Coordinating Agency Technical Team is meeting regularly and will bring updated information to the Core Team meetings.

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The next Core Team session will be scheduled for January 2021; DS Consulting will reach out to the group to find a date/time that works best via Doodle. All members expressed appreciation for the opportunity to collaborate and engage in finding solutions. With that, members were invited into smaller break-out groups for informal conversation and the meeting was adjourned.

Topics identified for future meeting agendas:

- Toxicologist's explanation of forensic and chemical sourcing; Historical enforcement and corrective actions at JH Baxter; and joint-agency schedule of permits, violations, and enforcement.

The Facilitation Team at DS Consulting respectfully submits this summary for the group. Suggested edits are welcome and can be emailed to Emily Stranz (emily@dsconsult.co).